

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CASE NO. 1:23-CV-270**

**MACKENZIE ELAINE BROWN**

**Plaintiff**

**v.**

**EXHIBIT 5**

**HENDERSON COUNTY SHERIFF'S**

**OFFICE, et. al**

**Defendants**

**EXHIBIT 5: ORDER OF ABATEMENT  
FOR ASSAULT ON A FEMALE CASE**

STATE OF NORTH CAROLINA  
HENDERSON COUNTY

FILED

2023 AUG -2 P 3 25

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE NO: 22CR 286 228

STATE OF NORTH CAROLINA )  
BY \_\_\_\_\_ )  
v. Burgess - Branch, Robert )  
Defendant. )

MOTION AND ORDER  
OF ABATEMENT

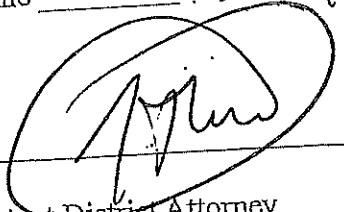
MOTION

NOW COMES the State of North Carolina, by and through the undersigned Assistant District Attorney, and moves this Honorable Court for an Order of Abatement in the above captioned case. In support of its motion, the state alleges:

1. The Defendant was charged on 9/3/22 for Assault on A Female.
2. After proceedings in the matter had commenced, but prior to the case being disposed, the defendant died on 6/16/23. Attached hereto is a copy of the death certificate.

WHEREFORE THE STATE moves this Honorable Court for an Order allowing Abatement in the above captioned case.

This the 2<sup>nd</sup> day of Aug, 2023

  
Assistant District Attorney  
200 N. Grove Street, Suite 223  
Hendersonville, NC 28792

ORDER

Based on the State's Motion, it is hereby ORDERED that an Order of Abatement be entered in the above captioned case(s) and that the case(s) be dismissed by the Court.

This the \_\_\_\_\_ day of 8/2/23